1: Evans-Pritchard E-5 (1931, 1936) 1940
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On one occasion some men gave me information about their lineages. Next day these same men paid me a visit and one of them asked me, 'What we told you yesterday, did you believe it?' When I replied that I had believed it they roared with laughter and called to others to come and share the joke. Then one of them said, 'Listen; what we told you yesterday was all nonsense. Now we will tell you correctly.' I could relate many such stories.

The Nuer have been rightly described as dour, and they are often gruff and curt to one another and especially to strangers. But if they are approached without a suggestion of superiority they do not decline friendship, and in misfortune and sickness they show themselves kind and gentle. At such moments they permit themselves to show sympathy which their pride stifles at other times, for even when Nuer approve of one they cannot bear that one shall see it and are the more truculent to hide their friendliness. Never are they truckling or sycophantic. When a Nuer wants a gift he asks for it straight out, and if you refuse it he remains in good humour. Their only test of character is whether one can stand up for oneself. One rises in Nuer estimation the more one lives their kind of life and accepts their values.

If you wish to live among the Nuer you must do so on their terms, which means that you must treat them as a kind of kinsmen and they will then treat you as a kind of kinsman. Rights, privileges, and obligations are determined by kinship. Either a man is a kinsman, actually or by fiction, or he is a person to whom you have no reciprocal obligations and whom you treat as a potential enemy. Every one in a man's village and district counts in one way or another as a kinsman, if only by linguistic assimilation, so that, except for an occasional homeless and despised wanderer, a Nuer only associates with people whose behaviour to him is on a kinship pattern.

Kinsmen must assist one another, and if one has a surplus of a good thing he must share it with his neighbours. Consequently no Nuer ever has a surplus. But the European has a surplus and if his possessions are of any use to the Nuer he ought, in their opinion, to share them with the people among whom he is living. Travellers have often remarked that the Nuer have plagued them for gifts. They beg from one another with equal persistence. No Nuer is expected to part with his cattle or household property and, except in special circumstances, these would not be asked for. But were a man to possess several spears or hoes or other such objects he would inevitably lose them. Deng, a Government chief and a man of standing, told me, as I was leaving his village on the Pibor River, that he was grateful for the fishing spears I had distributed

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among his kinsmen, but added that they would not be able to keep them when his relatives at Fadoi came to spend next dry season on the Pibor.

The only way of keeping tobacco among the Nuer is to deny that one possesses it and to keep it well hidden. When I gave Deng a big lump of Anuak tobacco he managed to place a small piece of it in his pipe, but he had at once to distribute the rest of it. When I used to give tobacco to youths at Yakwac they generally took a small piece for immediate use as snuff and asked me to hide the rest, so that they could come and get a bit when they wanted it without any one knowing that they possessed it. I had hiding-places all over my tent. No Nuer can resist the pleadings of his kinsman for tobacco. Age-fellows do not even ask for snuff or tobacco, but, if they find it in a man's byre, they just take it. My own system was to give away at the first opportunity anything I possessed which Nuer might covet and to rest in poverty and peace. Arab merchants are driven almost crazy by Nuer demands for gifts, but they generally speak Nuer well and have considerable knowledge of Nuer habits and so are able to hold their own. Nevertheless I have often observed that they make gifts where no return is to be expected.

Nuer are most tenacious of their rights and possessions. They take easily but give with difficulty. This selfishness arises from their education and from the nature of kinship obligations. A child soon learns that to maintain his equality with his peers he must stand up for himself against any encroachment on his person and property. This means that he must always be prepared to fight, and his willingness and ability to do so are the only protection of his integrity as a free and independent person against the avarice and bullying of his kinsmen. They protect him against outsiders, but he must resist their demands on himself. The demands made on a man in the name of kinship are incessant and imperious and he resists them to the utmost.

XIII

Some personal recollections and general impressions were recorded in the last section in order that it might be understood what are Nuer feelings about authority. It is the more remarkable that they so easily submit to persons who claim certain supernatural powers. Fetishes are a recent introduction to Nuerland and they inspire much apprehension among the people, so that, in recent years, their owners have often won prestige in their villages and made themselves feared in their

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

NUER BRIDEWEALTH

E. E. EVANS-PRITCHARD

Principles of Distribution

431 583 LIKE many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of a series of ceremonial acts. Though these ceremonies and payments of cattle proceed *pari passu* as interconnected movements towards the completion of the union they can be treated separately. It should be remembered, however, that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

[121] This paper describes only the principles on which bridewealth is paid: these can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its virtual distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also. The general principles only are described and no account is taken of the variations which are found in many marriages, largely arising from peculiar configurations of the family among the Nuer.[1]

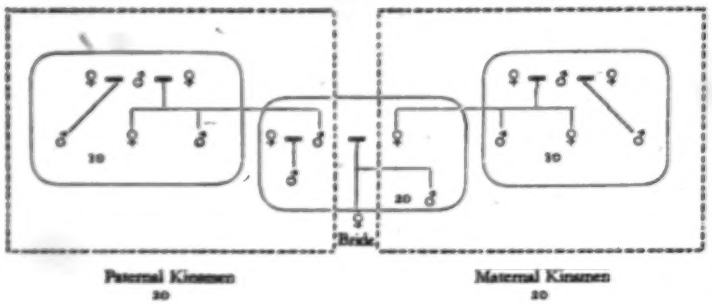
583 431 602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwar*, to the father's side, and 20 *kwi mar*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of the begetting. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rur*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in diagram I, in which these distributions are shown, that the bride's mother's sons count as her maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in terms of individual relationships and,

[1] These are described in my brochure, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*). The economic and political life of the Nuer has been treated in my book, *The Nuer*, Clarendon Press, 1940.

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

DIAGRAM I



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when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

	Cattle	*Total*
KWI GWAN (on the paternal side)		
Gwan (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf[1] .	8
Gat gwan (father's son)	A cow, and another cow[2]	2
Gwanke (*indit*) *kwi mam* or *kwi dwiel* (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox .	4
Gwanke kwi gwan or *kwi luak* (father's brother by a different mother)	A cow and its calf, and an ox . .	3
Gwanke (*intut*) *kwi mam* or *kwi dwiel* (father's younger brother by the same mother)	A cow, and an ox	2
War (father's sister)	A heifer[3]	1
	Total	20
KWI MAN (on the maternal side)		
Mam (mother)	A cow and its calf, and a heifer . .	3
Daman (brother by the same mother)	An ox, another ox, a cow (*yang daman*), another cow (*yang cika*), a cow and its calf, and another cow[4] . . .	7
Nar (*indit*) *kwi mam* or *kwi dwiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4

[1] The single calf is sometimes called *puany(dit)* and they say: 'It is like a gift thrown in for nothing.' The single cow is sometimes called *yang luak*, the cow of the byre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang kwath*, the cow of the spirit of the father.

[2] These animals join the herd of the claimant's father, if he is alive, and count as his portion also. The father therefore receives 10 beasts.

[3] This animal joins her husband's herd if he is alive.

[4] The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.

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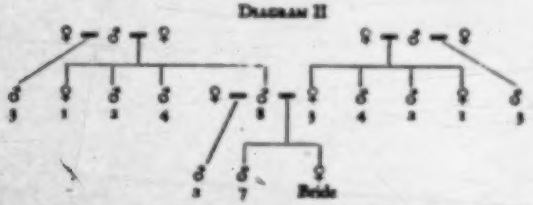
	Cattle	Total
Nar kwi gwan or *kwi luak* (mother's brother by a different mother)	A cow and its calf, and an ox . .	3
Nar (intat) kwi mam or *kwi dwiel* (mother's younger brother by the same mother)	A cow and its calf	2
Manlen (mother's sister)	A heifer[1]	1
	Total	20

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuang*) to cattle are called the *ji cuangi*, the people with a right. They say: *Manlen a cuang*, 'The maternal aunt has a right'; *Wac a cuang*, 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated in diagram II:

DIAGRAM II



It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaat gwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaat wac* (father's sister's sons), and so forth. But whereas cattle will be paid to the names of these kinsmen in any case, whether they be alive or dead, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died.

[1] This animal joins her husband's herd if he is alive.

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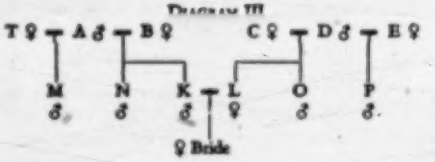
It is probably for this reason that the cows given to grandparents or their sons are called *wangun* (*wang*, eye, *nen*, to see). It is possible, therefore, for there to be four *wangun* claims, but there are generally only one or two at the most. The *wangun* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangun* of the father's mother goes to one of her sons other than the father. These are the *wangun kwi gwan*, the cows of the grandparents on the paternal side. There may also be two *wangun kwi mam*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in diagram III A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later these cattle of the grandparents are not paid in addition to the 40 already listed.

DIAGRAM III



Some Features of the Distribution

Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's cognatic kinship to certain of her kinsfolk but is also, and perhaps chiefly, an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is less an expression of the relationship between a father's brother and his brother's daughter than of that between brother and brother. A man marries from the family herd in which his brothers have equal rights with himself, and his wife is, as the brothers say, 'Our wife' because she was married with 'Our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'Our children' since they are 'Children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are less an expression of the relationship between a mother's brother and his sister's daughter than of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father and that part of her bridewealth is paid to them as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles, or as future maternal uncles, and youths regard them as policies which will fall due in the future and enable them to marry wives themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance, prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution (*wany*) with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaat man*) and sons of the father (*gaat gwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is usually indicated by stating whether they are uncles *kwi mam*, on the mother's side, or *kwi gwan*, on the father's side; the terms *kwi dwiel*, on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sisters' bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his

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doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home (*gol*) and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. But sentiment and custom are not always stronger than self-interest and ill will, and when they are weaker the family breaks up on the death of its head. This is especially the case in a polygamous family because the widows tend to return to their own kinsmen or to live as concubines with men unrelated to their dead husband, and their sons often go with them, for a time at any rate; whereas if there is only one wife, and she is alive, she will remain with the herd and her children with her. I do not wish to enter here into a detailed discussion of the relationship between brothers among the Nuer. It may be remarked, however, in conclusion that eventually the family, especially the composite or polygamous family, ceases to be a joint family with corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers. But though the relationship between brothers is not further discussed in this paper I must emphasize the intimate connexion between the half-brother relationship and the whole lineage system of the Nuer.[1]

Mode of Reckoning Bridewealth

In reckoning the cattle which have to be transferred, Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. So far I have given only the virtual distribution of bridewealth, of what would accrue to each relationship were the full 40 cattle to be paid. The principles of distribution remain the same when, as happens in all actual marriages to-day, many fewer than 40 cattle are paid, and the distribution in any particular marriage can easily be understood in the light of them. These principles do not have to be unearthed by an analysis of actual marriages, but are formulated by the Nuer themselves, so that actual distributions of bridewealth are made to conform to the ideal distribution so far as conditions allow.

In any particular marriage there is a minimum definition of rights. Whatever else the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangnen gwan*, the cows of the paternal grandparents.
   wangnen man, the cows of the maternal grandparents.
2. *jang gwan kene doude, ke thakde*, the cow of the father with its calf, and his ox.
   jang man kene doude, the cow of the mother with its calf.

[1] See *The Nuer*, chap. v.

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3. *yang gwanlem kem doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
yang nara kem doude, kem thakde, ke puangde, the cow of the maternal uncle with its calf, and his ox, and his *puang* (ox).
4. *dou* (*nac*) *wara*, the calf (heifer) of the paternal aunt.
dou (*nac*) *manlem*, the calf (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
thak gat gwan, the ox of the paternal half-brother.

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It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' The meaning of *wangnen* has already been explained, but it must be added that in actual payment of bridewealth the fact that the kindred of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds: totemic, air, medicine, and ghosts of persons slain by lightning. If the spirit is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion spirit and a brindled cow for the crocodile spirit. A cow so dedicated to a spirit must remain in the kraal of the parents and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicumgni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different spirit both must be honoured by having a cow of the bride-cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim of a spirit till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it.

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Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father. There, he and his brothers not only settle their own first, and basic, claims and the claims of the mother, the brothers, and the paternal aunts, but they satisfy themselves also that the bridegroom's kin are prepared to meet the demands of the maternal uncles and aunts. In normal circumstances the bridegroom's party then enter into direct negotiations with the maternal uncles of the bride and their claims must be met before those of the paternal relatives. They have a prior claim in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, since the bride is a member of their family, but the maternal relatives are less interested in her than in the cattle and are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round. When the maternal kinsmen live very far away the paternal kinsmen may act on their behalf in the negotiations. The bridegroom's people, in either case, themselves drive the *ghok nare*, the cattle of the maternal uncles, to the home of the senior of them.

Number of Cattle Paid To-day

In marriages to-day the actual transfers and the distribution of cattle to definite persons, as distinct from the ideal, or virtual, allotment of fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants, the configuration of the bride's family, and the relative desire of both parties to bring about the union.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.[1] It has been mentioned that there is a minimal number of relationships with prior rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangnen* and spirit claims the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The

[1] Mr. Jackson, writing in 1923 (*Sudan Notes and Records*, vol. vi, p. 154), gave 25 to 15 cattle as an average bridewealth and said that the tendency at that time was for even that number to diminish. He remarked that some ten or twelve years earlier the payment of 40 was said to have been not unusual. Mr. Coriat, writing somewhat later, said that the original bridewealth of the Gaawar tribe was 50 head of cattle, but that it had dwindled to 15 or 30.

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bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know how many persons are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, since the marriage cannot be contemplated if they are not accepted; and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They are not interested in the precise manner of distribution among the bride's family and kindred so long as the plan of allotment is not used as a means to make further, and excessive, demands. They have to be careful, for example, not to use up their resources in trying to satisfy the requirements of the maternal relatives or of the family before due allowance has been made for the rights of the paternal uncles, for if they do this the paternal uncles will stake a claim when they have no beasts in reserve to meet it and the marriage in consequence will fall through. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are really claims on the bride's father rather than on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known to the bride's people. The spokesman for the bridegroom says, for example: 'We have a brindled cow and its calf in such-and-such a kraal'; and the spokesman for the family replies: 'Yes, that will be the cow of the mother and its calf'; 'We have a white heifer in such-and-such a kraal'; 'Yes, that will be the heifer of the father's sister.' The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have arranged among themselves the particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put foward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

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When a youth wants to marry, the first question his sweetheart's father asks him, or whoever is acting on his behalf, is: 'What cattle have you got?' although he generally knows the answer before asking it. Unless the youth can be sure of producing some dozen beasts at once it is useless to enter into further negotiations for marriage and some excuse will be found for rejecting his proposal. This does not mean that a father is solely interested in obtaining the highest possible number of cattle for the hand of his daughter. He will be content if he gets the usual number, and if he considers the young man to be a desirable husband and son-in-law he may be content with less, or, at any rate, to defer transfer of part of the cattle due to the family. Sometimes even the uncles are prepared to wait a few years for some of the cattle. When the marriage is greatly desired by both sides the ceremonies may be completed before the final bridewealth discussions have been held. As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to transfer the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never transferred. If the husband has cattle and his wife's brothers want to marry they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been transferred before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a maternal uncle may try to obtain the remainder of his sister's bridewealth before her eldest son is initiated. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage but 'The cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due and, at the same time, admit the rights of the others

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

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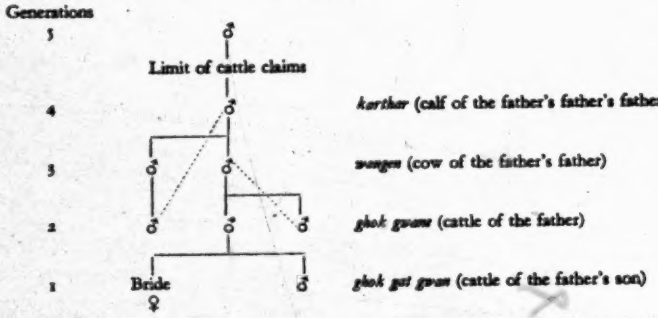
to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, the direct linear heir is entitled to the beasts; but a collateral kinsman may not inherit. Nevertheless, paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with a fixed title to bridewealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bridewealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle properly speaking and such small gifts to distant kinsmen is that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.

DIAGRAM IV



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift and it will not be refused. This privilege is not widely exercised. The agnatic kinsman of a collateral lineage who invokes the cattle at the wedding, the *gwan buthni*, is always given a calf, sheep, or goat, known as the *yang mute*, the 'cow' of the spear (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. On this point it need only be said that distribution at the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We need only note further that when the *genitor* of the bride is a different person from her *pater*, as is often the case among the Nuer, and is also not merely a kinship substitute for him, the *genitor* has a right to a cow, called *yang leta*, the cow of the loins, and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

NUER MARRIAGE CEREMONIES[1]

E. E. EVANS-PRITCHARD

581 MARRIAGE among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place 585 without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary and they proceed in a connected movement towards the •431 full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them, and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is undertsood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so.

Some General Features of the Ceremonies

584 The chief ceremonies are the *larcieng*, the *ngut*, and the *mut*: the betrothal, the 585 wedding, and the consummation. All three are important public events in Nuer life, 574 though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, young men thinking nothing of walking over ten miles to take part in the dancing, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and

[1] This description of marriage ceremonies which I have seen, some of them many times, when living among the Nuer of the Anglo-Egyptian Sudan, is part of a general account of Nuer marriage, some sections of which have already been published. *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*); and 'Nuer Bridewealth', *Africa*, vol. xvi, no. 4, 1946. The oecological and political background is given in *The Nuer*, Clarendon Press, 1940.

5:Evans-Pritchard E-5 (1931, 1936) 1947
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BRIDEWEALTH AMONG THE NUER

E. E. EVANS-PRITCHARD

In some recent articles I have described the Nuer custom of paying cattle at marriage, their marriage ceremonies, and their rules of exogamy.[1] Having recorded the chief facts relevant to a study of Nuer marriage it is permissible to make some general comments on the part played in the union by payment of bridewealth.[2]

It is no longer necessary to show that the African payment of bridewealth is not a purchase. Until very recent years the Nuer had no currency and nothing corresponding to what we mean by 'price' and 'purchase'. The word *kok*, now used to denote the act of purchasing something from an Arab merchant with money had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *luil* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours. The word is only used correctly in reference to conjugal relations when a female Dinka captive is, as I was told occasionally used to happen, exchanged for a few cows. It is then said of her that "she was not married (*kwen*) with cattle but exchanged (*luil*) for cattle"

The word *kwen* means the whole proceedure by which a man and his kin obtain a wife by payment of cattle and her family and kin hand her over to bear children to them, and in other ways serve them, in return for these cattle. The

[1] "Nuer Bridewealth", *Africa*, 1946; "Nuer Marriage Ceremonies", *Idem*, 1947; "Nuer Rules of Exogamy and Incest", *Social Structure* (to appear soon).

[2] Some of the points made were discussed in a very general way in my paper "Social Character of Bridewealth with, special Reference to the Azande", *Man*, 1934, (194).

[p. 181a]

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man marries the woman and not the woman the man: one can say "Duob has married Nyaluak" or "Nyaluak has been married by Duob", but one cannot say that Nyaluak has married Duob. It is understood that the woman was *kwen ka ghok*, married with cattle, for she would have been married in no other way. The persons among whom the cattle are distributed are also said to *kwen* them (*be gwanlen yang kene doude kwen*, the paternal uncle will receive a cow and a calf) and they are said to be *kwen* by the cattle (*baa deman kwen e thak*, the uterine brother will be paid an ox). There is no noun in Nuer by which the cattle handed over at marriage can be described, though one can use the expression *ghok kwin nyal*, the cattle of marrying a girl.

But to say that bridewealth is not price or purchase does not mean that the objects handed over have no significance to Nuer outside the particular purpose they serve in bringing about a union. Cattle have, as I have shown in my book on the Nuer,[3] many uses. They are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have a religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are often impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk gourds and butter gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

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It is for this reason that Nuer found it difficult to understand what I meant when I told them that in my society we marry without paying bridewealth: "It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go

[3] *The Nuer*, 1940, Chap. 1.

[P. 181 b]

583 431 empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother should be full?" Of the neighbouring Anuak people, who marry with beads and spears, they say: "Of what use are these things? Can people live on them?" In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or pregnant heifers so that they may enjoy immediate benefit from the transaction. A *pir* cow, one which gives little milk, will not, however, be rejected so long as it bears calves.

Nevertheless Nuer show greater interest in the bridewealth character of cattle than in their nutritive character. It is not so much that having great nutritive value they acquire through it a general social value, become a standard of value, and are therefore employed in ritual, for indemnification of injury, and as the means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life because a wife means to him his own home and that he becomes a copula in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

[586] It is therefore a commonsense inference that payment of bridewealth has a stabilising action in marriage. If the wife leaves her husband the cattle will have to be returned and as it would be always unpleasant, and often difficult, to return them it is supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: "But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle."

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583 One of the earliest British officers in Nuerland wrote
•431 that "the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles".[1] Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

586 Nevertheless, it can only be accepted that
431 payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce.

The marriage tie is severed (*dak*) by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned (except the *yang miemde* and the *yang yani*, the cow (ox) of the hair and the cow of the skirt[2] unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual proceedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. In this case one cannot speak of divorce. The wife and mother has become a ghost. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of the hair and the skirt, are kept by the family of the wife. The extra-family kinsmen lose their portions of the

586 bridewealth. The wife by this procedure is
431 divorced and can remarry. On the other hand they
848 may leave all their cattle with the wife's family

[1] Bimbashi H. Gordon, *Sudan Intelligence Reports*, June, 1913, No. 107.

[2] According to my own information these two animals are retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. Jackson (*Sudan Notes and Records*, vol. VI, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the mariage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

586 431 848 and kin and maintain thereby their rights in any children she may 'bear in the bush' (*dieth dor*), that is by lovers. She is then not divorced, but is only separated from her husband, and she cannot remarry.

If a wife dies after having borne two children no cattle are returned, it being held that "Cattle which have children on their backs cannot be returned".[1] Should a wife leave her husband after having borne two children the cattle will remain with her kinsmen and any children she may bear by other men will be claimed by her husband's people. She is still married to him though she lives as concubine to another man. The husband's people are said to be generally content with this arrangement but, whether content or not, it would be useless for them to reclaim their cattle and the progeny of these cattle and deduct the total cattle to legitimatize each child. The wife's people would say to them: "You have your children. You keep them and we will keep the cattle. Let your wife bear you children in the bush."

586 431 The rules stated above are principles which are flexibly applied in actual cases according to the circumstances of each case. Much depends on the personal relations between the husband's people and the wife's people. If they are bad and his wife has left him at their instigation the husband will claim back everything to which he has a right: cattle,[2] sheep, goats, spears, tobacco, millet, and ornaments, including his wife's *yoak* or bead-decorated skirt. But if they are good and she has left her husband against her parents' wishes he will not ask for the return of the smaller gifts and the *puoth manthude*, the little gifts with which he honoured his mother-in-law, and if she dies childless he may also leave some of the cattle to which he has a right

[1] I did not record a case of a wife dying after all of her several children had predeceased her in infancy, and Nuer merely told me, in reply to my queries about rights to the cattle should this happen, that it was most unlikely to happen. Whether the cattle or how many of them would be returned would probably depend on the age at which the children had died.

[2] When possible the identical cattle are returned but if they are dead or it is difficult to recover them after dispersal others may be substituted for them and if they are of the same quality as those paid by the husband's kin they must accept them.

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431 with her parents in the hope that they will later give him her sister in her place. If he leaves any of the cattle preference will be given to the portions of the spirits and the ghosts. When these have to be returned ashes are rubbed on their backs and the spirits and ghosts are told of the divorce and are promised that they will one day be given cows in the place of those they are losing.

Another circumstance which is taken into consideration is whether the wife is being sent away by her husband for barreness,[3] or bad habits, which is rare, or whether she is leaving him without his consent and, in this case, whether she has adequate grounds for refusing to live with him such as neglect or cruelty. Whatever the circumstances are the husband has a right either to his cattle or to the children his wife may bear to other men, but it sometimes happens that whereas he wants his cattle back to marry again, since he cannot have a home without a wife, the wife's people tell him that he is responsible for the separation and must be satisfied with the children. They would not refuse him his children. If they tell him this, and they would not do so unless she had already borne him a child and had lived in his home, he has to accept their decision. There are no courts he can appeal to and his kinsmen would be unwilling to support him in resort to force. There is nothing he can do. If his wife has gone back to her parents and they do not want to return his cattle they tell him to come and fetch her. But if she is miserable with him she will only run away again and this time to some distant part of the country. If he complains to her parents they will say that it is no affair of theirs. Let him go and get his wife. In the end he will give her up and claim any children she may bear to lovers. There is always a chance that she will come back to him when he takes charge of her
587
431 sons. I have never known a case in which a wife's parents have kept her husband's cattle and at the same time tried to marry their daughter to another man, and when I asked what would happen were they to try to do so I was told that the husband's

[3] As a rule a husband will not divorce a barren wife. He will take back most of his cattle but will leave a few with her parents in recognition of her place in his home as mate and housewife.

587 kin would undoubtedly use violence to get back
•431 their cattle and, in addition, curse (*biit*) the wife so that she would either become barren or her children die. On the other hand it sometimes happens that the wife's people promise to return
586 the cattle as soon as they are able to do so but
431 fail to return them all though procrastination on one pretext or another or prevarication, for they may hide (*piek*) some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community difficulties of this kind are not likely to arise and can be settled by discussion and compromise. If they belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case with all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilize marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born, the wife till this event living in her parents' home, being visited by her husband at nights from time to time. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her residence but in other ways, most noticeably by the fact that the husband is
[844] held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yiha*). During this period when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. Were they to use them for a further marriage they would run the risk that this second marriage might have to be dissolved should the first be broken. Moreover they would find the kinsmen of any girl whom they might wish to marry most unwilling to accept cattle so insecurely held. I have found, when discussing cows in Nuer kraals, that they do not regard those animals they have received on the marriage of a kinswoman as fully theirs, in the sense that they can do what they like with them, till the kinswoman has borne

[p. 184a]

586 431 a child. At this stage, therefore, there is no great difficulty about returning the cattle, which are, indeed, kept ready at hand to be returned. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give statistics, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal discussions, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of a case of divorce, or even of separation, after the birth of a second child. My own observation are vey limited but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife will not leave her husband's home while he is alive. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

586 583 431 It should be noted that it may happen today that all the cattle in the kraal of the wife's father die of rinderpest shortly after the consummation of the marriage. It is then not encumbent on the husband to replace them, or for his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only replace them if they have transferred them to third parties (*loth*) or butchered them. To protect himself against possible claims in the future the father of a newly married daughter will often send to her husband's people the hides of any beasts which have died a natural death in his kraal. The father-in-law could not in these circumstances break off the marriage and remarry his daughter to another man for the cattle, though dead, are still "on the wife's back". When I

586 asked what would happen were he to try to do so
583 I was told that the husband's kin would claim
back their cattle and, if necessary, use force to
●431 obtain them. Should a wife leave her husband
in these circumstances the problem of bride-
[587] wealth would probably be solved by the common
Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
583 above, that the fear of having to repay bride-
431 wealth cannot be said to be a very powerful
sanction of the marriage union. Nor is there
591 any evidence of which I am aware that would
suggest that the greater the number of cattle handed
593 over the more stable the marriage is likely to
prove. On the contrary the poverty of a suitor
may be to his advantage since the parents of the
girl whom he seeks in marriage can insist, and
often do so, that he comes to live in their village,
where they will receive constant aid from him
in hoeing, fishing, building, and herding, and the
accretion to their lineage of both the son-in-law
who comes in course of time to identify his interests
with those of his in-laws, and of his children,
who would otherwise, with their daughter, be
lost to them. A reputation for hard work, courage,
and an amiable character go a long way towards
making up for poverty of stock, especially if the
father of the girl and the father of the youth are
friends or the youth and the girls' brother are
comrades.

581 I am prepared to say definitely that the stability
of Nuer marriage rests on quite other foundations
593 than payments of bridewealth. It is founded on
affection between the spouses, mutual goodwill
between the families of husband and wife, and
moral and legal norms. Nuer girls are not easily
coerced into marriage and it is generally safe
to assume that when a woman lives with her hus-
band it is because she chooses to do so and is
happy in her marriage. By the time a girl is fully
married to a man she knows him well. Usually
he has courted her some time before asking
for her hand and she must give her consent
before his request is granted. She has plenty of
time between the betrothal ceremony and the
ceremony of consummation in which to withdraw
from the marriage should she be reluctant to

593 and in the public acknowledgement of his right to correct her should she neglect them. The husband has, of course, also rights in any children his wife may bear, but the children are not only his. They are the children of his lineage. All the men of his lineage are grandfathers, fathers, and brothers to his sons.

583 Marriage is, structurally-speaking, the taking away of a woman of one lineage to bear children
•431 to a different and unrelated lineage. For the loss to their daughter the lineage receives cattle which enable them to obtain a wife for themselves from a third lineage.[1] In course of time the wives of these marriages bear daughters and when they are married the cattle received for them enter the kraals of the lineage to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed between the kinsmen of the bride's father and mother, but this is corrected by the fact that what the fathers and paternal uncles do not receive on the marriage of their daughter comes to them through other marriages in which they stand to the bride as maternal uncles or sons of paternal or maternal aunts or grandmothers. Hence it is that the Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example, that "*Cieng* Pual have married a wife" or that "*Cieng* Dumien have given their daughter in marriage".

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as the Nuer themselves do, as a series of transactions and to perceive furthermore in an exchange of cattle for a wife an exchange

[1] Cattle which have left a lineage on its taking a wife from another lineage may come back to it if the second-lineage afterwards takes a wife from the first. This is unusual, but I have know a man marry his father's brother's daughter's husband's brother's daughter and another marry his paternal half-brother's daughter's husband's sister. Some slight adjustments may be made in the division of the bridewealth of the second marriage to prevent certain inconsistences. However, a brother and a sister should not marry respectively a sister and her brother.

[p. 187a]

583 of a daughter for a wife. Payment of bridewealth
431 is a particular, and very striking, example of the principle of equivalence. A parallel example is the payment of cattle in compensation for homicide,[1] which among the Nuer is 40 head of cattle,
682 the same number as is paid for a bride. These
431 bloodwealth cattle are divided among the kinsmen of the dead man on the same plan of distribution
583 as that obtaining in the distribution of bridewealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. Just as in bridewealth the principle is the replacement of a daughter by a wife, of a woman by a woman, so in bloodwealth the principle is the replacement of a son by a wife who will bear a son in his place, of a man by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth.[2] Nuer are aware of the equivalence of bridewealth and bloodwealth, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its
431 structural perspective we must therefore think in terms of lineages. Children are attached by pay-
611 ment of bridewealth to the lineage of their father, the attachment of the sons being of chief importance, though daughters may also be structurally significant in the lineage system. Children born in the union of marriage are "children of the cattle" and therefore of the man in whose name they were paid and they become joints in his branch of descent. The man in whose name the cattle were paid is always their *pater*, the sociological or lineage father, of the children, whether he is their *genitor* or not. If he dies, or is already dead before his marriage, the widow should be taken by one of her husbands and the fathers of his sons, that is to say by one of his brothers (or sons). But even

[1] This point is very clearly made by Prof. A. R. Radcliffe-Brown in Man, 1929 (96).

[2] Approximately 10 beasts are divided among the extra-family kinsmen and the rest, including the beasts due to the family of the dead man, are with contributions of cattle from his paternal and maternal kinsmen used to marry him a wife.

[p. 187 b]

587 But even
583 should a woman whose husband has died decline
431 to cohabit with one of his paternal kin and prefer
611 to live as a concubine with some man unrelated to her dead husband any children she may bear are his children. Every child must have a *pater* or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is either paternalized by subsequent payment of bridewealth or by payment of a paternalization fee. If the *genitor*, which is unlikely, refuses to pay either bridewealth or fee, the man who later marries her with cattle becomes the *pater*. If she is not married then a man who takes her as a concubine pays the fee and becomes the *pater*.

[p. 188a]

583
431
121

The distribution of bridewealth is a different process to the payment itself and, since it belongs more to an account of kinship in general, is not discussed here. The mode of distribution and some comments on it are contained in my paper on "Nuer Bridewealth". In this paper I wish only to draw attention to two features of bridewealth which seem to me to be very important: its role in creating new social ties of a personal kind and of regulating the interrelations of the persons concerned till such time as their relationships become assimilated to kinship patterns—broadly-speaking its role in the kinship system—and its structural role in inter-lineage relations.

[p. 1886]

6:Howell E, G-5 (1942-1944)1954
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by Arab merchants, is usually available and bought with cash. Cases of this kind sometimes appear before the courts. The facts are not usually denied by the defendant, but execution is often resisted.

Gifts Given in Friendship (*math*)

Another situation in which cattle are involved, and which is a frequent cause of litigation, is the institution of the 'Best Friend', known in Nuer as *math*. Two men will often form a bond of friendship by exchanging cattle either as a one-sided loan or as a direct exchange, each party taking the other's cow. This can scarcely be described as trade, but is often the cause of dispute since friends fall out.

Nger Ngwen v. *Can Nyoi* (*Jikany Nuer Case*).

Nger and Can were 'best friends' (*math*). Nger gave Can a black cow as a gift. Can gave Nger a cow when Nger got married. Nger then asked Can to give him a cow in milk in order to feed his children. Can obliged by giving him a cow which he had received on the marriage of his daughter. Nger, however, considered that the cow was a bad one and, after a violent quarrel with Can, demanded that their 'friendship' should be broken (*dak math*) publicly and that Can should give back his black cow. The matter was taken to court, but Nger's claim was thrown out as groundless since Can had already given him two cows in exchange.

Exchanges of this sort are a corollary to this form of institutionalized friendship. Disputes of the kind mentioned above are simple enough, though often heated. It is perhaps surprising that they should appear before the courts at all, because the issues must be clear to everyone and there is rarely any doubt.

5. THE INFRINGEMENT OF RIGHTS IN PROPERTY

Self-help

If the seizure of cattle, the property of another man, is defined as 'theft', then theft of cattle is a common offence among the Nuer. Nuer, however, distinguish clearly between what is considered licensed seizure, either openly or by stealth, and theft for which the thief can produce no customary justification. The word *kwal*, which is used loosely to describe both forms of misappropriation, is employed regularly, but in its more specific meaning it refers to this seizure of what is considered a man's right. Used in connexion with cattle the word implies that the culprit, however mistaken he may be, believes that through kinship ties or in settlement of a debt he has a legal claim to the cattle. Again, a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner. Thus, for example, a man may seize six head of cattle

11:Evans-Pritchard E-5 (1931, 1936) 1945
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sive act. If they have begotten children by the wives of other men they are rather proud of this evidence of their virility. 837

The legal position about adultery is as follows: If a man finds another committing adultery with his wife they will probably fight, though the adulterer will escape if he can because he does not wish to add homicide to adultery. But often enough either the husband does not know that adultery has been committed or cannot catch the adulterer in the act. If the husband is unfertile or impotent he may pretend that he is unaware of his wife's infidelity because, while he desires children, he does not wish people to think that he is condoning adultery. However, a young man is not likely to take this line. A Nuer said: "An impotent man (*luc*) who is young does not think of children but of his rights. When he is old he thinks of children and is willing that his wife should give birth in the bush (by a stranger)". Sometimes a man knows that a neighbour is committing adultery with his wife but is afraid that if he fight him he will be injured. If a man is ignorant of his wife's infidelity and she bears him no ill-will she may tell him about it because it is considered dangerous for a husband to sleep with his wife on the skin where she has committed adultery. 837 684

When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him on a charge of this kind, the husband will probably receive the cattle. But if later a healthy child of the adulterous congress is born five of these cows must be returned, because "The cattle and the child must not meet in one place". The cattle paid in compensation are thought to give the genitor a claim on the child for they then partake of the nature of a legitimatization fee. The payment by the adulterer would be changed by the birth of a child from compensation (*ruok*) for adultery to a fee (*ruok*) for the child. I was unaware of this fact when I lived among the Eastern Nuer and it may be restricted to the Western Nuer. I am uncertain whether even among the Western Nuer the cattle are invariably returned but it is believed that if they are not returned the child may die and his ghost haunt his pater.

The cow that remains in the husband's kraal is called *yang kula*. The payment renders innocuous the action of the husband in having relations with his wife on the same skin on which she had relations in adultery. In most of the cases of adultery mentioned in this paper either the cattle were returned on the birth of a child or they were never paid, for often when the husband is old he does not claim compensation.

Among the Western Nuer when it is well known that a girl is a bastard begotten of a certain man, the genitor will sometimes claim "the cow ot begetting" on her marriage. Her kin do not relish handing him over a cow but they often do so because there is a mystical link between father and daughter and if he does not receive a cow of her bride-wealth he may curse her so that she may not bear children or so that her children will die and haunt their pater. The husband's people are therefore anxious that a cow shall be paid that their wife may be fruitful. 585 848 431

The verb *ruok* is used to describe the paying of compensation. Thus one says *Ca ghok Galuak rok ka dhom cek Yang*, "The cattle of Galuak 684

11:Evans-Pritchard E-5 (1931, 1936) 1945
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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 834 To describe sexual relations outside the union of marriage Nuer use the verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 582 The rules of exogamy which obtain for simple legal marriage apply also to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 ●431 428 588 587 The test of the nature of a procreative union is in the division of the bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead they belong to his sons (the bride's half and full brothers). The genitor in ghost-marriage and leviritic marriage has no legal claim to the "cattle of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

When a man merely visits a widow for purposes of procreation and is not a resident member of her household, and therefore not foster-father to her children, the cow which he receives on the marriage of each daughter he has begotten by her is called *yang leta*, " cow of the loins." One uses the same expression for the cow paid to the genitor of girls born of wives of women, for he also is not usually a permanent member of the household. However, this expression is slightly vulgar and when the genitor is the mother's partner in a more durable union people prefer to speak of a *yang dieth*, " cow of begetting ", or *yang twac*, " cow of the genet's skin ". It is called *yang twac* because a man who has married a wife to the name of a kinsman wears in marriage ceremonies the skin which the kinsmen would have worn had he been alive, and because men living with women in leviritic marriage and widow-concubinage always partake to some extent of the attitude of respect of husbands towards their wives' relatives —an attitude expressed most noticeably by the wearing of a genet's skin around the loins in the presence of their relatives-in-law. Thus they speak of *Yang me ci rit ne twac naru*, " The cow with which you twisted to your front the genet's skin of your maternal uncle ", for when you married your maternal uncle a wife you sat in his place in the byre of his wife's father during the bride-wealth discussions, and therefore wore a genet's skin, which is tied first so that it falls over the hip and is then twisted to the front to cover the genitals.

When the genitor is also a kinsman of the pater, having married a wife to his name or having lived with his widow, he receives besides " the cow of begetting " whatever cattle are due to a man standing in his particular relationship to the bride's pater. Thus when a man marries his brother a wife he receives " the cattle of the father's brother ", and when a man marries his maternal uncle a wife he receives " the cow of the paternal aunt ", unless his mother is still alive, for if she is alive she receives it.

As explained above, in certain circumstances an adulterer may ask for a cow in recognition of his physiological paternity. However, this is certainly not always asked for nor, if asked for, granted. If a man begets a female child by a girl whom he is courting and then refuses to marry her, he would not have the effrontery to ask for " a cow of begetting " when his natural daughter is married. He would risk having his skull broken by a club if he were even to visit his natural daughter. Of such a child they say *Caa dieth gooka*, " It was born in the grass ".

When the daughter of an unmarried concubine is married " the cattle of the father " go to her genitor because by payment of a fee he has made himself her pater, though not the husband of her mother. On the other hand " the cattle of the mother " belong to her sons and these may be, or may not be, natural sons of the same man who begat the bride.

This terse statement of the way in which division of bride-wealth indicates the various degrees of paternity will be better understood if Diagram No. V is studied.[1] In Fig. I when C ♀ is married " the cattle of the father " and " the cattle of the mother " go to A ♂. If A ♂ is dead they go to D ♂ and P ♂. In Fig. II when C ♀ is married the cattle of the parents belong legally to D ♂. Z ♂ would receive " the cow of begetting "

[1] [see p. 27. - Analyst]

11:Evans-Pritchard E-5 (1931, 1936) 1945
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585 possibly three or four cows for having brought C ♀ to maturity, the cattle
● 431 due to him as a father's brother and perhaps any cattle due to the grandparents X ♂ and Y ♀. In Fig. III when C ♀ is married the cattle of the parents go to D ♂, P ♂, Q ♂, and R ♂. Z ♂ gets the "cow of begetting", probably an extra cow or two of his services to the family, what is due to him as a paternal uncle, and, perhaps, any cattle due to the grandparents X ♂ and Y ♀. Some of "the cattle of the father" would be the portion of R ♂, and the "cattle of the mother" would be the portion of D ♂, P ♂, and Q ♂. In Fig. IV "the cattle of the father" and the "cattle of the mother" belong to D ♂, P ♂, and Q ♂, "the cattle of the father" belonging more particularly to D ♂, who alone of the children was begotten by their pater. T ♂, who is living with the widow and who has begotten by her two sons and a daughter (the bride C ♀) receives "the cow of begetting" and three or four head of cattle for having brought the family up. In Fig. V B ♀ is an unmarried concubine who has borne a son D ♂, and a daughter C ♀, to A ♂, who has paid legitimatization fees for both children. She then left A ♂, and went to live with P ♂, by whom she has borne a son W ♂. On C ♀ 's marriage the cattle of the father belong to A ♂ and the cattle of the mother go partly to D ♂, and partly to W ♂. As A ♂ is pater to C ♀, there is no "cow of begetting". In the statements made above I give only the principles of distribution of bride-wealth. Actual distribution is often more complicated and depends on variable conditions.

VII

Before asking the reader to accompany me round a Nuer village to enquire into matrimonial and domestic conditions I would ask him to bear in mind in a summarised form the following main features of Nuer marriage :—

581 585 431 (A) It is payment of cattle which defines the exact status of each member of the various procreative and domestic groups to the other members of the same group, or, otherwise expessed, the status of each member receives recognition by payment of cattle. The man in whose name cattle were handed over to the kin of the woman at her marriage is the pater of her children, whether he lives or dies—even a woman who marries a wife being counted as the pater. The cattle of the father invariably go to him or to his heirs. Likewise the bio-sociological father in his various degrees of physiological and foster parent is recognised by payment of cattle, and payment of cattle legitimatizes children born out of wedlock. Nuer discuss all these relationships in the idiom of cattle.

611 (B) The position of pater is legally predominant. Through him even though he did not beget or even see them, his children trace their descent. They belong to his lineage and clan and share in all that traditionally pertains to these groups. From him they inherit. His herd is their birth-right and any cattle which would have been due to him had he been alive belong to them as his heirs. Whatever social or ritual status he may have had they may succeed to. Little though their relationship to their

ll:Evans-Pritchard E-5 (1931, 1936) 1945
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587 Karlual ♂ then married
592 Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and [193] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle [143] will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Galuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 736 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 607 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead No. II). The two brothers live at a distance because their wives do not get on well togcther. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

592 588 *Homestead No. XII.* Nyawal ♀—Col ♂. Her husband was Lam ♂ of the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 588 [775] *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nyamani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajaani ♀ who also lives in this homestead. Nyajaani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he [587] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

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In the case of Nyajal there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajal's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajal remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family. 587 588 428 593

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajal's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine. And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyuoth lak*). 587 588 428 593 431

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.

The children of Kwenwar and the children of Jany are figured in
428 Diagram No. X. As previously explained, the persons shown there as
593 the children of Jany by Nyamani are legally the children of Col, the father
●431 of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kon man gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwanbul, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
578 children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*cuongde*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very sore at their talk of departure and recounted to me in detail all the cows
587 and oxen they have received from the sons of Jany.

588 Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that
428 Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be
593 among their true kinsmen, but that they will find that the sons of Jany are their real kinsmen when they have lived there a short time. They

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

563 597 727 is sacrificed and cut up and the son of the house and his Dinka " brother " each take half the skin and the *juak*, and the Dinka takes the neck. On all future occasions when animals are killed by his relative by adoption he will be able to claim his share of the meat on the grounds of relationship (*see* Section No. VI). It seems that, whilst before this ceremony of being [43] given relationship he was treated in all respects as a member of the family, he did not count as a member of the lineage, at any rate for purposes of division of meat, which goes only to relatives of the owner. He will now regard himself as a " member of the clan " of his " father." *Caa Juak tem*, they have cut through the scrotum, he is now a member of their clan.

563 597 727 641 We may, at any rate for the moment, speak of these captured Dinka who go through a ceremony of adoption into the lineage of their captor as becoming affiliated to Nuer clans in the framework of which they trace their descent and for which they receive the various ritual emblems which mark a clansman. It is almost impossible, without a prolonged stay in a Nuer cattle-camp, to discover who are and who are not of pure Nuer origin. I have for weeks considered a man to be of pure descent, that is to say by direct filiation of blood, when in reality he comes from the stock of a captured Dinka. Such a man who had a Dinka grandfather who was adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the grandson of the man who gave his grandfather *buth* and is so regarded by other members of his lineage and by everybody else. Thus when a man gives you his genealogy as A, son of B, son of C, son of D, son of E, and another man gives you his genealogy as X, son of Y, son of Z, son of Q, son of E, you naturally imagine that D and Q were two sons of E and that they have founded separate lines of descent, one of which has produced A and the other of which has produced X. There is no means of knowing that in point of fact Q was a Dinka captured by E and given *buth* by his son D unless someone tells you the true state of affairs as a piece of information which he thinks will be of interest to you, a most unlikely happening in Nuerland. Moreover, you cannot very well go about asking people whether their grandfathers were captured Dinka and if you did they would be very unlikely to tell you. You can, of course, always ask other people but the only people who are likely to be fully acquainted with a man's ancestry are members of the same lineage and they in all probability will not tell you. The consequences of wholesale adoption of Dinka into